

Mark S. Eisen (SBN 289009)
meisen@edelson.com
EDELSON PC
555 West Fifth Street, 31st Floor
Los Angeles, California 92688
Tel: 213.533.4100
Fax: 213.947.4251

Jay Edelson (Admitted *Pro Hac Vice*)
jedelson@edelson.com
Rafey S. Balabanian (Admitted *Pro Hac Vice*)
rbalabanian@edelson.com
Benjamin H. Richman (Admitted *Pro Hac Vice*)
brichman@edelson.com
Christopher L. Dore (Admitted *Pro Hac Vice*)
cdore@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Attorneys for Plaintiff and the putative class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BRIAN GLAUSER, individually and on behalf of all others similarly situated,

Plaintiff,

v

GROUPME, INC., a Delaware corporation,

Defendant

Case No. 4:11-cv-02584-PJH

**DECLARATION OF BENJAMIN H.
RICHMAN IN SUPPORT OF PLAINTIFF
GLAUSER'S UNOPPOSED
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL L.R. 7-11
AND 79-5**

1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

2 1. I am an attorney admitted *pro hac vice* in the United States District Court for the
3 Northern District of California. I am entering this declaration in support of Plaintiff Glauser's
4 Unopposed Administrative Motion to File Documents Under Seal Pursuant to Civil L.R. 7-11 and
5 79-5. This declaration is based upon my personal knowledge, except where expressly noted
6 otherwise. If called upon to testify to the matters stated herein, I could and would competently do
7 so.

8 2. I am a partner in the law firm of Edelson PC, which has been retained to represent
9 the named Plaintiff in this matter, Brian Glauser.

10 3. In his Opposition to GroupMe, Inc.'s. ("GroupMe") Motion for Summary
11 Judgment on Plaintiff's Individual Claims ("Opposition"), Plaintiff Brian Glauser relies upon the
12 Declaration of Shawn C. Davis ("Davis Declaration") and several documents that were produced
13 by Defendant GroupMe, Inc. in discovery and designated as "Highly Confidential – Attorneys'
14 Eyes Only" and "Highly Confidential – Source Code" pursuant to the June 23, 2014 Protective
15 Order entered in this matter ("Protective Order"). As a result, Plaintiff Glauser seeks to file those
16 documents entirely under seal.

17 4. In particular:

- 18 • The Davis Declaration contains extensive references to and quotations from
19 exhibits that have been marked "Confidential," "Highly Confidential -
20 Attorneys' Eyes Only" and "Highly Confidential – Source Code" by
21 GroupMe pursuant to the Protective Order.
- 22 • Exhibit A contains information regarding how GroupMe's systems stores
23 data, bates labeled GM_0000231-0000232. GroupMe has designated these
24 documents "Highly Confidential – Attorneys' Eyes Only."
- 25 • Exhibit B is an excerpt of the source code underlying GroupMe's
26 proprietary texting platform, bates labeled GM_0000133-0000138.
27 GroupMe has designated these documents "Highly Confidential – Source

Code.”

- Exhibit C is an excerpt of the source code underlying GroupMe's proprietary texting platform, bates labeled GM_0000150. GroupMe has designated this document "Highly Confidential – Source Code."
 - Exhibit D is an excerpt of the source code underlying GroupMe's proprietary texting platform, bates labeled GM_0000125-0000129. GroupMe has designated these documents "Highly Confidential – Source Code."

9 5. Portions of Plaintiff's Opposition also contain references to and quotations from an
10 exhibit that has been marked "Confidential" by GroupMe pursuant to the Protective Order.
11 Plaintiff has therefore redacted from the publically filed version of the Opposition where
12 appropriate.

13 6. On September 29, 2014, my office communicated with counsel for Defendant
14 GroupMe, Jonathan Hawk of White & Case LLP, and Mr. Hawk confirmed that GroupMe does
15 not oppose Plaintiff's Administrative Motion to File Documents Under Seal.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 | Executed this 30th day of September, 2014 at Chicago, Illinois.

/s/ Benjamin H. Richman
Benjamin H. Richman